

Remarks/Arguments:

This is a reply to the office action of July 31, 2003, in which claims 10 - 18 were rejected on formal grounds and over prior art. The claims have been amended above, with regard for the examiner's suggestions and criticisms, to more clearly define the invention, and to better distinguish it from the prior art. We believe that the claims now presented meet the requirements for patentability set out in the statute.

This invention is distinguished from the prior art in that it provides a tube whose welded margins angle inward toward each other at the mouth of the tube, into which a more rigid fitting is inserted. The independent claims (10, 17 and 18) recite that the shoulder piece is stiffer than the plastic film material from which the tube is made, and that the shoulder piece comprises a outlet connection piece has a closable opening and a flange which is attached to the face wall of the tube.

Because the flange of the shoulder piece is described as being attached to the face wall, the shoulder piece cannot be an integral part of the plastic film material. This is also clear from page 3, lines 19 to 21 of the description. The shoulder piece is indeed a separate part.

The present invention also is characterized by the fact that the shoulder piece is relatively stiff compared to the material of the side walls and the face wall. This feature, recited in the independent claims 10, 17 and 18, further distinguishes the invention from the references.

Gruenbacher et al. disclose merely that the V-shaped seals resulting from the sealing of the gusset panel to the body contribute to structural strength/rigidity of the package near the gusset panel. That reference teaches that the gusset panel and the body are preferably integral with one another. The gusset panel and the body are made from the same flexible material, (page 4, lines 29 to 32). Gruenbacher discloses

nothing further with respect to the material of the gusset panel, especially with respect to the physical properties of the material.

In summary, Gruenbacher et al. does not teach that the whole shoulder piece should be stiffer than the plastic material used for the tube body. Only the areas of the V-shaped seals are stronger, due to the sealing step of the gusset panel to the material of the tube body.

To make the shoulder piece is stiffer than the material of the tube body is thus not obvious from Gruenbacher et al.

The invention is also characterized by the shape of its tube. We enclose a drawing which illustrates the differences between a tube according to the invention and Gruenbacher et al.

The examiner cited Gruenbacher et al. which describes on page 4, lines 7 to 9 that the tube is tapered at the front face. We respectfully submit that reliance on Gruenbacher at this point may have been misplaced.

At page 1, lines 25 to 28, Gruenbacher mentions an object of providing tubes which have the appearance of a typical tooth paste tube, this type of tube being preferred by customers. Due to the V-shape of the outer edge of the gusset panel and the tapering of the tube, a typical toothpaste-tube-like appearance is obtained. This V-shaped seal is part of the face wall, not the tube body.

Distinguishing over Gruenbacher, claims 10, 17 and 18 require that at least a part of the edge sections in the vicinity of or adjacent the face wall be angled or bent toward one another. That is, there is a distinct change in the orientation of the inner boundaries of the side edge sections. This can also be seen from Fig. 1 of the application: there is a clear deviation from the linear course of the inner boundaries of the side edge section 17 and 18 at the bottom of the tube. In comparison, Figs. 1, 2 and 6 of Gruenbacher et al. show one continuous, undeviating, course of the boundary

of the side edge section.

As shown in the comparison sheet, the bending of the V-shaped seal is in a direction vertical to the longitudinal axis of the tube, whereas in the present invention, the direction of bending of the inner boundaries is parallel to the longitudinal axis of the tube. Gruenbacher et al. does not provide any motivation to bend or angle the boundaries of the side edge section in the vicinity of or adjacent to the face wall, especially these parts of the side edge sections which are parallel to the longitudinal axis of the tube body.

In evaluating claim 11, the examiner compared the claimed clips with the edge (11, 12) of the gusset panel. However, is clear from the description on page 3, line 4 and Figs. 1-2 that the clips extend in a two dimensional manner on the side wall of the tube. The edges (11, 12) of the gusset panel disclosed in Gruenbacher et al. are neither structurally nor functionally comparable to the clips recited in claim 11. We submit that claim 11 is patentable over the prior art.

Claims 17 and 18 in their amended form are also novel and nonobvious over Gruenbacher et al., for reasons presented above. In particular, the reference does not disclose that the shoulder piece should be stiffer than the material of the plastic film material, or that the inner boundaries of the side edged sections should be angled or bent toward one another in the vicinity of or adjacent to the face wall.

We believe that the claims now presented are patentable over the prior art, and that the application is now in proper condition for allowance.

Respectfully,



Charles W. Fallow
Reg. No. 28,946

Shoemaker and Mattare, Ltd.
2001 Jefferson Davis Highway
Arlington, VA 22202
(703) 415-0810

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